

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, February 23, 2021, 9:00 a.m.

Meeting provided by Video Live-Broadcast and Telephonically

Present: Chairman Jerome Delvin
Commissioner Shon Small (via/WebEx)
Commissioner Will McKay (via/WebEx)
County Administrator Jerrod MacPherson
Clerk of the Board Cami McKenzie

Benton County Employees Present During All or a Portion of the Meeting: Deputy County Administrator Matt Rasmussen (via/WebEx); Robert Heard, IT Manager; Robert Blain, Operations & Capital Programs; Commander Jon Law; Lexi Wingfield, HR Manager; Jeff Jones, Facilities Manager; Clerk Josie Delvin; Human Services Manager Kyle Sullivan; Commander Joshua Shelton; Adam Fyall, Sustainable Development Manager.

Approval of Minutes

The Minutes of February 9, 2021 were approved.

Review Agenda

The following changes were made to the agenda:

- Pull consent agenda item “g” (Johnson Controls Amendment) for discussion
- Pull consent agenda item “dd” (Contract with Cascade Engineering) for discussion
- Change Order No. 8 – New Administration Building
- Terrazzo floor repair discussion – Courthouse
- Dept. of Ecology Work Crew Grant
- EFSEC Appointment
- Executive Session – Review Performance of Public Employee

Consent Agenda

MOTION: Chairman McKay moved to approve the consent agenda items “a” through “ee”, pulling “g” and “dd” for discussion. Commissioner Small seconded and upon vote, the Board approved the following:

Auditor

- a. Line Item Transfer, Fund No. 0111-101, Dept. 000
- b. Update to Cash Drawers

Capital Projects

- c. Line Item Transfer, Fund No. 0305-101, Dept. 000

Clerk

- d. Agreement w/CI Support for Records Retention

Corrections

- e. Line Item Transfer, Fund No. 0000-101, Dept. 120

Facilities

- f. Contract w/Baker Commodities, Inc., for Jail Grease Trap Pumping & Cleaning Project
- h. Ratifying Change Order No. 2 w/Chervenell Construction for the Courtroom Audio Visual Upgrade

Human Resources

- i. Line Item Transfer, Fund No. 0000-101, Dept. 127

Human Services

- j. Agreement w/Community Action Committee for Homeless Housing Plan
- k. Benton County Criminal Justice Treatment Account Panel County Plan

Information Technology

- l. Purchase of One Laptop, Docking Station & Two Monitors for Prosecuting Attorney's Office From Dell
- m. Purchase of One Laptop, Docking Station & Two Monitors for Human Resources Dept. From Dell

Office of Public Defense

- n. Superior Court Public Defense Services Agreement w/Judy Chang
- o. District Court Public Defense Services Agreement w/B Myles
- p. Revised Termination Contract Date for Megan Whitmire; Rescinding Resolution 2021-094

Prosecuting Attorney

- q. Line Item Transfer, Fund No. 0000-101, Dept. 117

Public Safety

- r. Line Item Transfer, Fund No. 0148-101, Dept. 115
- s. Line Item Transfer, Fund No. 0148-101, Dept. 117
- t. Line Item Transfer, Fund No. 0148-101, Dept. 136

Public Works

- u. Line Item Transfer, Fund No. 0101-101, Dept. 500
- v. Line Item Transfer, Fund No. 0501-101, Dept. 650
- w. Agreement w/Benton County Noxious Weed Control Board for Equipment Services
- x. Agreement w/City of Benton City for Equipment Services
- y. Agreement w/Columbia Irrigation District for Equipment Services
- z. Authorization for Advertisement & Bid Process for Crushing and Stockpiling

Purchasing Department

- aa. Purchase of Inmate & Detention Supplies, Solutions & Services From Bob Barker Co.

Risk Management

- bb. Contract w/Columbia Safety, LLC for First Aid, CPR & AED Training

Sheriff

- cc. Federal Equitable Sharing Agreement and Certification Report
- ee. Contract w/Watch Systems for Sex Offender Notification Mailings & Alerts

Public Comment

None.

Consent Agenda Item “g” – 2nd Amended Agreement w/Johnson Controls/HVAC Services

Commissioner McKay asked for clarification on this item since it appeared it was \$110,000 over budget.

Mr. Blain explained the contract was partially for maintenance and partially for “as needed” on-call work. The contract ended up using more dollars for the on-call work and they were asking for \$110,000 to get them through the end of the contract period. It still fit within the budget, but just expanded the amount. This was partially due to aging units and not enough of the contract allocated in anticipation of the work needed. However, they were currently evaluating the equipment and future needs.

Consent Agenda Item “dd” – Cascade Contract w/Cascade Engineering Services

Commissioner McKay asked for more information on this contract. Commander Law said the purpose was to calibrate and certify the radar detectors annually, to make sure the courts honored the calibration and certification. Additionally, this contract was split between Current Expense and Public Safety Tax.

MOTION: Commissioner Small moved to approve consent agenda items “g” and “dd” as presented. Commissioner McKay seconded and upon vote, the motion carried.

Facilities Reorganization

HR Manager Lexi Wingfield and Facilities Manager Jeff Jones presented the reorganization of the Facilities Dept. and reviewed the following:

- Change Assistant Manager (NB 17) to Office Assistant IV (CH 9) – assist with administrative support
- Change Position 1520 (unfunded and vacant) to Lead Maintenance Worker (NB 13)
- Internally post for Lead Maintenance Worker (and eliminate vacant Maintenance Worker (NB 11)
- Increase Clerk of the Board (NB 12) to (NB 14) – this position completes administrative tasks in Facilities
- Increase Executive Assistant (NB 12) to (NB 13) – this position backs up the administrative tasks
- Overall cost savings - \$45,000

MOTION: Commissioner McKay moved to approve the resolution and LIT for the Facilities reorganization to change position 1318 to an Office Assistant IV and position 1520 to a Facilities Lead Maintenance Worker. Commissioner Small seconded and upon vote, the motion carried.

MOTION: Commissioner McKay moved to approve the resolution establishing the Clerk of the Board as a non-bargaining grade 14 effective February 1, 2021. Commissioner Small seconded and upon vote, the motion carried.

MOTION: Commissioner McKay moved to approve the resolution establishing the Executive Assistant as a non-bargaining grade 13 effective February 1, 2021. Commissioner Small seconded and upon vote, the motion carried.

MOTION: Commissioner McKay moved to approve the resolution and LIT to transfer funds from Facilities, Department 110, to Commissioners, Department 107, to fund the increases for the Clerk of the Board and Executive Assistant. Commissioner Small seconded and upon vote, the motion carried.

Information Technology – Position Change

This item was pulled for further review.

Human Services – Two Temporary Housing Program Navigators

HR Manager Lexi Wingfield and Human Services Manager Kyle Sullivan presented a request to hire two temporary housing program navigators to assist with processing the Emergency Rental Assistance Grant and getting the money pushed out to individuals in need. The grant ended on December 31, but there was a possibility it could be extended, and they would come back to the Board for approval to extend the positions, if that were to happen.

MOTION: Commissioner Small moved to approve the Line Item Transfer authorizing the creation of two temporary housing program navigators as presented. Commissioner McKay seconded and upon vote, the motion carried.

Clerk's Office – Employee Training

Clerk Josie Delvin presented a Line Item Transfer for authority to hire and train employees with current employees that were taking advantage of the early retirement incentive. She said one employee retiring was a long-time jury deputy and the other jury deputy had only been there two years (and they just did their first jury trial in 11 months). This would only be used for the training period until the employees retired.

MOTION: Commissioner Small moved to approve the Clerk's Line Item Transfer as presented. Commissioner McKay seconded and upon vote, the motion carried.

Discussion/Direction – Jail Medical Services Contract

Commander Shelton said in November 2020 the Board approved an RFQ for jail medical services. 16 companies requested a copy but only two responded; one was NaphCare (current contract) and the other only presented a pharmaceutical proposal. The Corrections Department recommended moving forward with negotiating a three-year contract with NaphCare. The contract was an

increase of \$419,000 over the previous contract, but he wanted to remind the Board that 20-25% of that would be rebilled to the cities.

Chairman Delvin said they asked the Corrections Department to move forward with an RFQ to make sure they did their due diligence and he agreed with moving forward to negotiate the contract.

Commissioner McKay asked whether the shortfall would affect the current jail use agreement with the cities and Mr. MacPherson said it would not. They were required to have four (4) meetings with the cities and would work through this issue with them.

MOTION: Commissioner Small moved to approve the Corrections Dept. to negotiate a contract and come back later for Board approval. Commissioner McKay seconded and upon vote, the motion carried.

Rural County Capital Fund – Disbursement Agreement with Port of Benton/Program Update

Program Update – Powerpoint Presentation

- Also known as .09 Money – it is there to help rural counties with economic development purposes
- Sales and use tax rebate money - .09 is extracted from 6.5% state – not an additional tax
- Phase I – 11 projects funded - \$2.1 million
- Phase II – all funds allocated to pay Benton County jail debt
- Currently in Phase III – contracts with partners to spend the money on worthy projects
- This is county money, but they have found value in these interlocal projects and can decide if it meets the criteria by application submitted to 4-person committee
- Completed Projects/Partnerships
- Fund Status

Mr. Fyall presented the Disbursement Agreement with the Port of Benton for the “Richland Innovation Center Improvements in the amount of \$1,100,000 for upgrade of roads and utilities to current city standards (for eventual sale, lease, and development).

MOTION: Commissioner Small moved to approve the disbursement of Rural County Capital Funds to the Port of Benton in the amount of \$1.1 million and approve the Disbursement Agreement for the “Richland Innovation Center Improvements” project as presented. Commissioner McKay seconded and upon vote, the motion carried.

Other Business

Change Order No. 9 – Banlin Construction

Robert Blain presented Change Order No. 8 with Banlin Construction for the new Administration Building project. He said this was an item they initially intended to bid separate, however, after evaluating work that needed to be done, it made more sense to roll this into the contract with Banlin.

The change order consisted of access control and video management systems and allowed Banlin to complete the work internally with their crew. The amount was \$513,812.15 plus WSST and would increase the contract time by seven (7) days.

Commissioner Small said this should have been brought forward at the time the project was being considered, if it was going to be an additional \$500,000, however, he knew Mr. Blain was not involved at that time.

MOTION: Commissioner Small moved to approve Change Order No. 8 with Banlin Construction LLC for the New Administration Building project in the amount of \$513,812.15 plus WSST with an increase of seven (7) days to the contract time, as presented. Commissioner McKay seconded and upon vote, the motion carried.

Terrazzo Floor Restoration Options - Repair at Courthouse

Mr. Blain said he received the final numbers for this work late yesterday and summarized as follows:

- Option 1 - Restore the stair treads - \$10,068
- Option 2 - Restore damaged existing terrazzo base cove at top of 3rd floor - \$3,749
- Option 3 – repair spalled terrazzo floor caused by removal of existing wall, remove installed carpet and polish 3rd floor terrazzo - \$10,068
- Option 4 – remove paint from top of base – polish and shine – add two sections - \$5,034
- Total cost is \$28,960.00

Mr. Blain said they previously received \$31,000 in grant money for the historical restoration but there were not additional funds available until July in the next round.

The Board discussed the available funding and value of the options, emphasizing the importance of the historical benefit. Mr. Blain also highlighted the advantage of having a contractor currently on site that was willing to the project. This project was previously sent out for proposals, but the County did not receive any bids.

The Board said it was in favor of moving forward with all options. Mr. Blain said he would continue to negotiate with the contractor and bring back a formal proposal.

Dept. of Corrections – US Dept. of Ecology – Litter Grant

Commander Shelton said they have previously applied for this grant and received funds for 50% of the work crew and were requesting permission to apply for 100% - \$344,098.00 for the two-year grant cycle (July 1, 2021 through July 1, 2023). Additionally, Solid Waste Department wanted to piggy-back on this grant and apply for \$50,000 for some projects they had going. Commander Shelton added that the Therapeutic Courts could benefit and use their participants in this program as well. This grant would pay for the Corrections Officer and administrative funds; they already had a van and dump trailer that was purchased in 2019.

The Board agreed to have Commander Shelton move forward on applying for the grant.

Energy Facility Site Evaluation Council (EFSEC) Appointment

Greg Wendt and Michelle Cooke, Community Development, presented a resolution for appointment to EFSEC.

Chairman Delvin said that Scout Energy (Horse Heaven Wind Farm Project) had applied for site certification with the Washington State Energy Facility Site Evaluation Council and Benton County was permitted to appoint someone that represented Benton County's interest.

Mr. Wendt said that Rick Dunn, General Manager at Benton County PUD was recommended by some citizens that have a key interest in the project and Mr. Dunn has a good understanding of energy. The resolution appointing Mr. Dunn to the council would have him serve a term until that process was complete.

Mr. MacPherson added that this would be a quasi-judicial role and the Board would need to limit contact or ex-parte communication with Mr. Dunn.

Mr. Wendt stated that he and Ms. Cooke would be reviewing the documents and meeting with legal counsel and working to provide local input on the issue.

Commissioner McKay said he heard there were other states and/or parties that were suing a third-party that was involved with Scout Energy and he wanted to know if Mr. Wendt or Ms. Cooke knew anything about that. Ms. Cooke stated that EFSEC hired their own independent contractor to make sure the information provided by Scout Energy could be confirmed and she would bring up that issue to them.

MOTION: Commissioner Delvin moved to approve the resolution appointing Rick Dunn to the Energy Facility Site Evaluation Council as a voting member to evaluate the proposed Horse Heaven Wind Farm Site. Commissioner McKay seconded and upon vote, the motion carried.

Good Roads Transportation Association

Chairman Delvin asked if the Board needed to have a Board member appointed to this Association. Mr. Rasmussen said that Good Roads did have a local chapter and Commissioner Beaver was previously the member. The Road Dept. has paid the membership and the County Engineer was currently on the Board, and they could appoint one Commissioner, although attendance was not mandatory.

Commissioner McKay said he would be agreeable to being the alternate member appointed if the County Engineer could not attend.

Executive Session – Review Performance of a Public Employee

The County Administrator announced at 10:34 a.m. the Board would go into executive session for up to 10 minutes to review the performance of a public employee. The Board briefly recessed to reconvene in the Executive Conference Room.

Present were Chairman Delvin, Commissioner McKay, Commissioner Small (via/teleconference), Jerrod MacPherson, Lexi Wingfield, Matt Rasmussen, and Cami McKenzie. The Board came out of executive session and briefly recessed to reconvene back in the Commissioners' Conference Room.

The Board came out at 10:42 a.m. Ms. Wingfield announced that no decisions were made in executive session.

MOTION: Commissioner McKay moved to authorize the Chairman to sign the PAF for Brittney Myles for re-employment as presented. Commissioner Small seconded and upon vote, the motion carried.

Tort Claim

CC 2021-01: Received on February 22, 2021 from Claudia Galindo Borrayo

CC 2021-02: Received on February 23, 2021 from Douglas Duncan

Payroll

Check Date: 02/05/2021

Payroll Checks

Total all funds: \$2,431,231.04

Warrant #: 242989-243034

Direct Deposit #: 159505-160082

Payroll Deductions/Transfers

Total all funds: \$2,358,325.00

Taxes #: 101210201-101210211

ACH #: 1639-1645

Payroll Deductions/Warrants

Total all funds: \$127,093.90

Warrant #: 214650-214657

Check Date: 02/16/2021

Payroll Draw Checks

Total all funds: \$121,299.99

Warrant #: 243035-243037

Direct Deposit #: 160083-160237

Payroll Draw Deductions/Transfers

Total all funds: \$22,927.49

Taxes #: 101210212

Accounts Payable

Check Date: 02/05/2021

Warrants #: 214552-214649
Total all funds: \$664,998.47

EFT's #: 1627-1638
Transfers #: 02052101-02052109
Total all funds: \$3,190,973.88

Check Date: 02/09/2021

Warrant #: 214658
Total all funds: \$9,587.00

Check Date: 02/10/2021

Warrant #: 214771
Total all funds: \$901.12

P-Cards #: 221
Total all funds: \$260,789.71

Check Date: 02/19/2021

Warrants #: 214827-214916
Total all funds: \$3,205.36

EFT's #: 1646-1650
Transfers #: 02192101-02192106
Total all funds: \$204,492.32

Warrants #: 214917-215102
Total all funds: \$1,751,021.51

Resolutions

- 2021-163: Line Item Transfer, Fund No. 0111-101, Dept. 000
- 2021-164: Update to Cash Drawers – Closing Workstation 4 – Prosser Auditor
- 2021-165: Line Item Transfer, Fund No. 0305-101, Dept. 000
- 2021-166: Continuing Agreement w/CI Support for Records Retention
- 2021-167: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2021-168: Contract w/Baker Commodities, Inc., for Jail Grease Trap Pumping & Cleaning Project

- 2021-169: Ratifying Change Order No. 2 w/Chervenell Construction for the Courtroom Audio Visual Upgrade
- 2021-170: Line Item Transfer, Fund No. 0000-101, Dept. 127
- 2021-171: Agreement w/Community Action Committee for Homeless Housing Plan
- 2021-172: Benton County Criminal Justice Treatment Account Panel County Plan
- 2021-173: Purchase of One Laptop, Docking Station & Two Monitors for Prosecuting Attorney's Office From Dell
- 2021-174: Purchase of One Laptop, Docking Station & Two Monitors for Human Resources Dept. From Dell
- 2021-175: Superior Court Public Defense Services Agreement w/Judy Chang
- 2021-176: District Court Public Defense Services Agreement w/B Myles
- 2021-177: Revised Termination Contract Date for Megan Whitmire
- 2021-178: Line Item Transfer, Fund No. 0000-101, Dept. 117
- 2021-179: Line Item Transfer, Fund No. 0148-101, Dept. 115
- 2021-180: Line Item Transfer, Fund No. 0148-101, Dept. 117
- 2021-181: Line Item Transfer, Fund No. 0148-101, Dept. 136
- 2021-182: Line Item Transfer, Fund No. 0101-101, Dept. 500
- 2021-183: Line Item Transfer, Fund No. 0501-101, Dept. 650
- 2021-184: Agreement w/Benton County Noxious Weed Control Board for Equipment Services
- 2021-185: Agreement w/City of Benton City for Equipment Services
- 2021-186: Agreement w/Columbia Irrigation District for Equipment Services
- 2021-187: Authorization for Advertisement & Bid Process for Crushing and Stockpiling
- 2021-188: Purchase of Inmate/Detention Supplies, Solutions & Services From Bob Barker Co.
- 2021-189: Contract w/Columbia Safety, LLC for First Aid, CPR & AED Training
- 2021-190: Federal Equitable Sharing Agreement and Certification Report
- 2021-191: Contract w/Watch Systems for Sex Offender Notification Mailings & Alerts
- 2021-192: 2nd Amendment to Public Works Agreement with Johnson Controls, Inc.
- 2021-193: Personal Service Contract with Cascade Engineering for Radar and Lidar Speed Measuring Devices for the Sheriff's Office
- 2021-194: Line Item Transfer, Fund 0000-101, Dept. 110
- 2021-195: Establishing the Salary Grade for Clerk of the Board
- 2021-196: Establishing the Salary Grade for Executive Assistant
- 2021-197: Line Item Transfer, Fund 0000-101, Dept. 110 to Dept. 107
- 2021-198: Line Item Transfer, Fund 0108-101, Dept. 560
- 2021-199: Line Item Transfer, Fund 0000-101, Dept. 106
- 2021-200: Rural County Capital Fund – Disbursement Agreement with Port of Benton
- 2021-201: Approving Contract Change Order No. 8 with Banlin Construction
- 2021-202: Appointment of Rick Dunn to the Energy Facility Site Evaluation Council - EFSEC

There being no further business before the Board, the meeting adjourned at approximately 10:43 a.m.

Clerk of the Board

Chairman